

Notice of Allowability

Application No.

09/801,678

Examiner

Duc C Ho

Applicant(s)

ASAI, TAKAYUKI

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 11-02-04.
2. ☒ The allowed claim(s) is/are 1-5, 7-8, 11-34, and 36. Renumbered 1-32, respectively.
3. ☒ The drawings filed on 09 March 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 083004
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 111204
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER 'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Howard L. Bernstein on 11-12-04.

The application has been amended as follows:

In the claims:

Claim 1, line 12, "said desired one" has been replaced with --- a desired one ---.

Claim 16 line 13, "al" has been replaced with --- at ---.

Claim 26, line 9, "parable" has been replaced with --- portable ---.

Reason for allowance

2. The following is an examiner's statement of reasons for allowance:

Regarding claims 1-5, 7-8, 11-13, and 16-25, the prior arts fail to teach or fairly suggest a content data acquiring system that comprises a gateway which is operatively connected with a portable terminal, wherein the portable terminal comprises a control section which extracts at least an identifier from the desired content data file, determines whether the extracted at least an identifier is stored in the storage section, and transmits the desired content data file to at least one of the plurality of peripheral devices corresponding to the extracted at least an identifier such that the at least one peripheral device reproduces the desired content data from the desired content data file, when it is determined that the extracted at least identifier is stored in the storage

section, in combination with other limitations, as specified in the independent claims 1, and 16.

Regarding claims 14-15, the prior arts fail to teach or fairly suggest a content data acquiring system that comprises a third server which is provided on the first or second network and transmits information of the most adaptive peripheral device to the portable terminal based on reception data of the plurality of peripheral devices and the identifier corresponding to the desired content data file, when any of the plurality of peripheral devices is adaptive, and wherein the portable terminal transmits the reception data to the third server and receives the information of the most adaptive peripheral device and transmits the desired content data file to the most adaptive peripheral device based on the information, in combination with other limitations, as specified in the independent claim 14.

Regarding claims 26-36, the prior arts fail to teach or fairly suggest a content data acquiring system that comprises an inquiry server which is provided on the network and transmits information of a peripheral device most adaptive for reproduction of the desired content data to the portable terminal based on device data of the plurality of peripheral devices and the identifier extracted from the desired content data file, when any of the plurality of peripheral devices is adaptive, and wherein the portable terminal transmits the device data to the inquiry server and receives the information of the most adaptive peripheral device and transmits the desired content data file to the most adaptive peripheral device based on the information, in combination with other limitations, as specified in the independent claim 26.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (571) 272-3147. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

Duc Ho

11-12-04

A handwritten signature in black ink, appearing to read 'Duc Ho', is written over the printed name and date.